

Certain of the products were alleged to be misbranded in that the statements on the labels, "A-1 Semolina," "Semolina Products," "Egg Noodles," and "Made of Durum Semolina," were false and misleading and tended to deceive and mislead the purchaser when applied to articles colored with annato, and in the case of one lot of egg noodles, deficient in egg; in the case of one lot, in that the statement borne on the front of the case, "Net Weight 5 lbs," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in the case of certain lots, in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 11, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28108. Adulteration of apples. U. S. v. 38 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40381. Sample No. 58656-C.)

This product was contaminated with lead.

On September 23, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 22, 1937, from Glassboro, N. J., by R. E. Zimmerman, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28109. Adulteration of apples. U. S. v. 63 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40405. Sample No. 37390-C.)

This product was contaminated with lead.

On September 22, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 baskets of apples at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 21, 1937, from Vineland, N. J., by H. Ellis, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28110. Adulteration and misbranding of alleged olive oil. U. S. v. 27 Cans of Olive Oil. Default decree of condemnation and destruction. (F. & D. No. 39704. Sample No. 20389-C.)

This product consisted essentially of an edible oil other than olive oil, containing little or no olive oil. It was also short in volume.

On June 9, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cans of olive oil at West Stockbridge, Mass., alleging that the article had been shipped in interstate commerce on or about September 26, 1936, from Waterbury, Conn., by the Brass City Paper Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Net Contents One Gallon Pure Olive Oil Fior d'Italia Brand Guaranteed Imported From Lucca-Italy V. Bressi Bros."

The article was alleged to be adulterated in that an oil other than olive oil had been mixed and packed with it so as to reduce or lower its quality or strength and had been substituted for olive oil, which it purported to be; and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the following statements and designs, "Net Contents One Gallon Pure Olive Oil Fior d'Italia," design of landscape showing an olive tree and women gathering olives, "Guaranteed Imported from Lucca-

Italy," "Puro Olio D'Oliiva Fior d'Italia," "Garantito Importato da Lucca-Italy," "This olive oil is guaranteed to be absolutely pure. Recommended for cooking table and medicinal use," "Quest' Olio d'Oliiva e' garantito assolutamente puro. E' raccomandato per uso da tavola, cucina e per uso medicinale," and "Pure Imported Olive Oil," were false and misleading and tended to deceive and mislead the purchaser when applied to an article which consisted essentially of an edible oil other than olive oil, with little or no olive oil, and which was short in volume; in that it was an imitation of and was offered for sale under the distinctive name of another article; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was not correct.

On November 29, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28111. Adulteration and misbranding of onion powder. U. S. v. 12 Cases of Onion Powder. Consent decree of condemnation. Article released under bond for relabeling. (F. & D. No. 39971. Sample No. 37510-C.)

This article contained added starch and was not pure onion powder, which it purported to be.

On July 13, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of onion powder at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about June 21, 1937, by Sokol & Co. from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance containing added starch had been mixed and packed with it so as to reduce and lower its quality, and had been substituted for onion powder, which it purported to be.

It was alleged to be misbranded in that the statement "Pure Onion Powder" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was not pure onion powder but which contained added starch; and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, pure onion powder.

On October 28, 1937, Sardik Food Products Corporation, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered. It was ordered that the product be released under bond conditioned that it be correctly relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28112. Adulteration of canned salmon. U. S. v. Alaska Packers Association. Plea of guilty. Fine, \$600. (F. & D. No. 39442. Sample Nos. 3629-C, 3631-C, 3755-C, 3760-C, 3774-C, 3775-C, 4253-C, 4255-C, 4257-C, 10634-C, 10639-C.)

This product was in part decomposed.

On June 6, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alaska Packers Association, a corporation, San Francisco, Calif., alleging shipment by said defendant on or about August 9 and September 25, 1936, from the Territory of Alaska into the State of California of quantities of canned salmon which was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: (Cases) "Horse Shoe Brand Red Alaska Packers Association San Francisco * * * Salmon." A portion was labeled: (Cans) "Del Monte Brand * * * California Packing Corporation Distributors Main Office San Francisco California * * * Alaska Red Sockeye Salmon." A portion was labeled: (Cans) "Lily Brand * * * Pink Salmon Packed * * * by Alaska Packers Association San Francisco California."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On June 12, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$600.

HARRY L. BROWN, *Acting Secretary of Agriculture.*